



Atty. Dkt. No. 032026-0667

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guilherme L. INDIG  
Title: USE OF CRYSTAL VIOLET AS  
PHOTOCHEMOTHERAPEUTIC  
AGENT  
Appl. No.: 09/753,472  
Filing Date: 01/03/2001  
Examiner: J. D. Goldberg  
Art Unit: 1614

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.  Michelle Manning (Printed Name)  <i>Michelle Manning</i> (Signature)  September 26, 2003 (Date of Deposit)
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AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.116

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in reply to a final Office Action mailed July 2, 2003, in relation to the above-referenced patent application. The period for the initial response to the Office Action is set to expire October 2, 2003. Accordingly, Applicant believes that this response is timely filed.

The Patent Office is hereby authorized to charge any additional fees required for the filing or credit any overpayment to Deposit Account No. 50-2350. For the purpose of charging or crediting said Deposit Account, duplicates of pages 1 and 2 and a signature page of this response is included herewith.

Amendments to the claims are reflected in the listing of claims which begins on page 3 of this document.

Remarks/Arguments begin on page 4 of this document.

Please cancel Claims 1-5 without prejudice to applicant's right to file these claims in a timely filed divisional application.

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10/15/03

January 2000 (the Indig 2000 reference). This article, which includes Gregory F. Anderson, Michael G. Nichols, Jeremy A. Bartlett, William S. Mellon, and Fritz Sieber as authors, in addition to the inventor of the present application, occurred prior to, but not more than one year before the filing date of the present application. However, the enclosed declaration of Guilherme L. Indig confirms that he is the sole inventor of the subject matter claimed in the present application. For this reason, the cited article was not prior art that can be asserted against the claims of this application.

As noted by the Examiner in a previous Office Action, mailed December 24, 2002, the remaining cited reference, the Indig 1999 reference, fails to teach any time limits for the exposure of the photochemotherapeutic agent to light. In a telephone conversation on December 9, 2002, the Examiner recommended amending Claim 6 to include the limitation that the mixture of cancerous and non-cancerous cells containing the photochemotherapeutic compound is exposed to light for a period of up to 90 minutes, in order to overcome a rejection based on the Indig 1999 reference. Claim 6 was amended in compliance with the Examiner's recommendation in the previous response and amendments. Therefore, Applicant believes that Claim 6, as previously amended, is in condition for allowance and respectfully requests that this rejection be withdrawn.

### CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that all of the claims remaining in the application are in condition for allowance and favorable action thereon is respectfully solicited.

Respectfully submitted,

Date: September 26, 2003

FOLEY & LARDNER

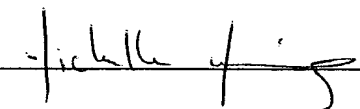
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By



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